

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

---

UNITED STATES OF AMERICA	CRIMINAL ACTION NO. 09-0207-03
VERSUS	JUDGE ELIZABETH E. FOOTE
CLYDE O. SPATES (03)	MAGISTRATE JUDGE HORNSBY

---

**ORDER**

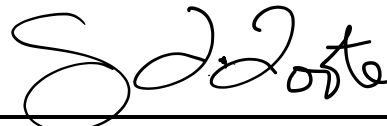
Before the Court are two motions filed by Defendant Clyde O. Spates (“Spates”). Record Documents 316 & 317. Spates’s first motion is for appointment of counsel regarding Spates’s motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [Record Document 310]. Record Document 316. There is no constitutional right to counsel for a § 2255 motion. *United States v. Vasquez*, 7 F.3d 81, 83 (5th Cir. 1993) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). The Court will only appoint a defendant counsel for a § 2255 motion in “limited circumstances,” none of which are present here. *See United States v. Lerma*, No. 07-CR-0041, 2009 WL 1940030, at \*1 (S.D. Tex. July 2, 2009). Accordingly, Spates’s motion for appointment of counsel [Record Document 316] is **DENIED**.

Spates’s second filing is captioned as a motion to “oppose or object to” the Government’s motion for an extension of time. Record Document 317. The Court observes that after Spates submitted his § 2255 motion, the Court ordered a Government response by April 11, 2025. Record Document 311. The Government timely filed a motion for an extension, which the Court granted, extending the deadline until May 5, 2025. Record Documents 312 & 313. The Government filed its opposition to Spates’s § 2255

motion on April 30, 2025. Record Document 315. Spates's filing was placed in the mail on April 30, 2025—the same day the Government filed its opposition. Record Document 317-1. Because the Government has filed its opposition, Spates's motion seeking to object to the extension [Record Document 417] is **DENIED AS MOOT**.

The Court notes that Spates may reply to the Government's opposition on or before **June 9, 2025**. *See* Record Document 313.

**THUS DONE AND SIGNED** this 7th day of May, 2025.

A handwritten signature in black ink, appearing to read "S. Erny Foote", written over a horizontal line.

ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE